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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA
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8 BWP MEDIA USA, INC,
9 Plaintiff(s),

10 v.

11 CINEMA BLEND, LLC,

12 Defendant(s).
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CASE NO. 3:13-cv-05174-KLS

MINUTE ORDER REGARDING
DISCOVERY AND DEPOSITIONS

15 IT IS ORDERED that:

16 1. **DISCOVERY.** All discovery matters should be resolved by agreement if
17 possible. If a ruling is needed on any discovery question, and counsel wish to
18 avoid the time and expense of a written motion, they may obtain an expedited
19 ruling through a telephone conference call to the court at **253-882-3890**.

20 2. **DEPOSITIONS.** Depositions will be conducted in compliance with the
21 following rules:

22 (a) **Examination.** If there are multiple parties, each side should ordinarily
23 designate one attorney to conduct the main examination of the deponent,

1 designate one attorney to conduct the main examination of the deponent,
2 matters not previously covered.

3 (b) **Objections.** The only objections that should be raised at the deposition
4 are those involving a privilege against disclosure, or some matter that may
5 be remedied if presented at the time (such as the form of the question
6 or the responsiveness of the answer), or that the question seeks information
7 beyond the scope of discovery. Objections on other grounds are unnecessary
8 and should be avoided. All objections should be concise and must not
9 suggest answers to, or otherwise coach, the deponent. Argumentative
10 interruptions will not be permitted.

11 (c) **Directions Not to Answer.** Directions to the deponent not to answer
12 are improper. Advice not to answer may be appropriate on the ground
13 of privilege or to enable a party or deponent to present a motion to the
14 court or special master for termination of the deposition on the ground
15 that it is being conducted in bad faith or in such a manner as unreasonably
16 to annoy, embarrass or oppress the party or the deponent, or for appropriate
17 limitations upon the scope of the deposition (e.g., on the ground that the
18 line or inquiry is not relevant nor reasonably calculated to lead to the
19 discovery of admissible evidence). When a privilege is claimed, the witness
20 should nevertheless answer questions relevant to the existence, extent
21 or waiver of the privilege, such as the date of the communication, who
22 made the statement in question, to whom in whose presence the statement
23 was made, other persons to whom the contents of the statement have been

disclosed, and the general subject matter of the statement.

(d) **Responsiveness.** Witnesses will be expected to answer all questions directly and without evasion, to the extent of their testimonial knowledge, unless they choose to follow the advice of counsel not to answer.

(d) **Private Consultation.** Private conferences between deponents and their attorneys during the actual taking of the deposition are improper, except for the purpose of determining whether a privilege should be asserted. Unless prohibited by the court for good cause shown, such conferences may, however, be held during normal recesses and adjournments.

(e) **Private Consultation.** Private conferences between deponents and their attorneys during the actual taking of the deposition are improper, except for the purpose of determining whether a privilege should be asserted. Unless prohibited by the court for good cause shown, such conferences may, however, be held during normal recesses and adjournments.

(f) **Conduct of Examining Counsel.** Examining counsel will refrain from asking questions he or she knows to be beyond the legitimate scope of discovery, and from undue repetition.

(g) **Courtroom Standard.** All counsel and parties should conduct themselves in depositions with the same courtesy and respect for the rules that are required in the courtroom during trial.

3. RESPONSIBILITY OF PLAINTIFF'S COUNSEL. This order is issued at the outset of the case, and a copy is delivered by the clerk to counsel for plaintiff.

Plaintiff's counsel (or plaintiff, if *pro se* is directed to deliver a copy of this order

1 to each other party within ten (10) days after receiving notice of that party's
2 appearance.

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4 DATED: March 12, 2013

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6 The foregoing Minute Order authorized by THE HONORABLE KAREN L.
7 STROMBOM, UNITED STATES MAGISTRATE JUDGE.
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